

REMARKS

Claims 1-50 are pending in the present application. In the above amendments, claims 1, 17, 34 and 47 have been amended, claims 8, 28 and 42 have been cancelled, and no new claims have been added. Therefore, after entry of the above amendments, claims 1-7, 9-27, 29-41 and 43-50 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-11, 32-43 and 45-50, are rejected as being anticipated by Kim, U.S. Patent Publication No. 2003/0078061.

Under 35 USC 102(b), prima facie case of anticipation is established when the Examiner provides a single prior art or a reference that either expressly or inherently describes each and every element and that the elements are arranged as required by the claim.

Independent claim 1, as amended discloses among other elements, "the control data includes at least one of: at least one key useful in decrypting the multimedia stream, data associated with a subscription to a multimedia broadcast service, data associated with a registration on a multimedia broadcast network, *at least one application useful in decoding the multimedia data, billing information, data related to user preferences, and data related to levels of service related to providing the multimedia stream.*" The Kim reference (the provided portion) describes at paragraph [0042] method of controlling unauthorized users by using decryption keys and encryption keys having a valid period. Also, at paragraph [0037], Kim reference describes method of format converting, generally from MPEG-2 format to H.263 format. Additionally, paragraph [0037] describes formatting additional information such as EPG. However, the Kim reference fails to describe among other things, control data comprising *an application useful in decoding the billing information and data related to levels of service related to providing the*

multimedia stream. Therefore, applicant believes that the Claim 1 is believed to be in allowable condition and respectfully requests the Examiner to remove the rejection and provide a notice of allowance of Claim 1.

Independent claim 17, as amended to include the recitations of claim 28, now discloses among other elements, "the control data includes at least one of: data associated with a registration on a multimedia broadcast network, *at least one application useful in playing the multimedia data, billing information, and data related to user preferences.*" The applicant would like to respectfully note that claim 16 and 28 do not have same recitations. Claim 28 for control data may have at least one application useful in playing the multimedia data, *billing information and data related to user preferences*. Thus, application respectfully requests either to accept the amended claim 17 incorporating recitations of claim 28 or provide a new non-final office action providing specific reasons for rejecting claims 28 (or amended claim 17). The Kim fails to describe among other things, the control data that includes *at least one application useful in playing the multimedia data, billing information and data related to user preferences*. Therefore, applicant believes that the Claim 17 is believed to be in allowable condition and respectfully requests the Examiner to remove the rejection and provide a notice of allowance of Claim 17.

Independent claim 34 and 47, as amended to include the recitations of claim 42, now discloses among other elements, "the *control data includes billing information data related to user preferences and/or data related to levels of service related to providing the multimedia stream.*" The Kim reference (the provided portion used in rejecting claim 42) describes at paragraph [0009] prior art problems of controlling unauthorized users. However, the Kim reference fails to describe among other things, the control data that includes billing information data related to user preferences and/or data related to levels of service related to providing the multimedia stream. Therefore, applicant believes that the Claim 34 and 47 are believed to be in

Attorney Docket No. 030068

allowable condition and respectfully requests the Examiner to remove the rejection and provide a notice of allowance of Claims 34 and 47.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 12, 31 and 44, are rejected as being unpatentable over Kim in view of McClellan, U.S. Patent Publication No. 2004/008794.

In light of the amendments and arguments provided above, the Applicant believes that dependent claims 12, 31, and 44 that depend from independent claims 1, 17 and 42, respectively, are now also in condition of allowance.

Attorney Docket No. 030068

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: November 10, 2005

By: 

Milan Patel, Reg. No. 41,242
(858) 651-6892

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502